

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SULLIVAN,

Plaintiff,

Case No. 1:07cv367

v.

Hon. Robert J. Jonker

PATRICIA CARUSO, et al.,

Defendants.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 11, 2008. The time permitted for objections to the Report and Recommendation has elapsed, and no objections have been filed under 28 U.S.C. § 636(b)(1)(C).

The Court notes that the Report and Recommendation served on Plaintiff was returned to the Clerk of Court with a notation from the Department of Corrections listed on the envelope as "Paroled or Discharged." Further investigation reveals that Plaintiff was discharged from the G. Robert Cotton Correctional Facility on December 1, 2007. He has made no effort to update his current address with the Court, or otherwise to prosecute this action since that time. Under W.D. Mich. LCivR 41.1, "[f]ailure of a plaintiff to keep the Court apprised of a current address shall be grounds for dismissal for want of prosecution." Accordingly,

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed January 11, 2008, is APPROVED AND ADOPTED as the opinion of the court, and its claims are dismissed with prejudice to the extent provided in the Report and Recommendation.

IT IS FURTHER ORDERED under FED. R. CIV. P. 41 and W.D. Mich. LCivR 41.1 that the balance of this case be **DISMISSED** without prejudice for failure to prosecute.

/s/ Robert J. Jonker
Robert J. Jonker
United States District Judge

Dated: February 7, 2008